**REFORMING THE CONFISCATION REGIME IN PART 2 OF THE PROCEEDS OF CRIME ACT 2002: HOW RADICAL DO WE NEED TO BE?**

**questions for symposium**

**Table 1: Objectives of Confiscation Regime**

In what order should the objectives below be prioritised?

To what extent does the current regime meet these objectives?

1. Removal of profits from crime
2. Punishment
3. Disruption
4. Deterrence
5. Fairness
6. Compensation

**Table 2: Ideas for a new regime**

Should a new regime be against the person, against the property or a mixture of the two?

How do we ensure procedural fairness?

Are there any other regimes around the world, whether in whole or in part, that could work in the UK?

In which court or courts should confiscation be decided?

Should there be a new confiscation court, either virtual or physical?

**Table 3: Restraint/Search/Seizure**

What barriers are there to restraint?

Who is best placed to decide on whether an asset should be restrained?

What should the Crown have to prove in order to get restraint?

Are the current exceptions to restraint fit for purpose?

Who and what should be subject to restraint?

**Table 4: Confiscation - Pre-hearing**

Who or what should trigger confiscation?

Who should have jurisdiction over confiscation?

Should we incentivise settlement and if so, how?

How would the courts and parties be best assisted in preparing for the confiscation hearing?

How should defendants and third parties fund legal representation in confiscation cases?

**Table 5: Confiscation Hearing**

Who should decide third party interests at a confiscation hearing and at what stage?

Do the statutory assumptions lead to the making of realistic and enforceable confiscation orders?

To what extent does the statute and statutory language reflect the process adopted by the court?

Does the current hidden assets regime lead to the making of realistic and enforceable orders?

Does the current tainted gift regime lead to the making of realistic and enforceable orders?

**Table 6: Supplemental Orders:**

Should the Judge have discretion to extend time to pay beyond the 6 month maximum?

If we retain default terms, is the current tariff structure clear and appropriate?

Should there be a tariff structure or should the default term be dependent on aggravating and mitigating factors in the case at the time of activation?

Are Compliance Orders proving to be effective?

What would the optimal relationship between compensation and confiscation look like?

**Table 7: Reconsideration**

In what circumstances should a judge be able to reconsider the confiscation order?

At what stage should a confiscation order be reconsidered?

Which court should have jurisdiction over reconsideration of confiscation orders?

What should be done about old cases which are no longer enforceable?

In what circumstances should a prosecutor be permitted to seek a reconsideration?

**Table 8: Enforcement**

Does the current system of default sentences encourage satisfaction of confiscation orders?

Does the current system of adding interest encourage satisfaction of confiscation orders?

Are the current management and enforcement receivership regimes effective in realising assets to satisfy the confiscation order?

Which court should have jurisdiction over enforcement proceedings?

Does automatic forfeiture have a place in the UK regime?

**GENERAL QUESTION FOR ALL TABLES**

**ARE THERE ANY OTHER AREAS THAT SHOULD ALSO BE INCLUDED?**